

Message Text

CONFIDENTIAL

PAGE 01 USUN N 05983 082304Z

13

ACTION IO-13

INFO OCT-01 ISO-00 ACDA-07 ERDA-05 AF-08 ARA-06 CIAE-00

DODE-00 EA-07 EUR-12 PM-04 H-01 INR-07 L-03 NASA-01

NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01

OES-06 SS-15 USIA-06 SAJ-01 /124 W

----- 049494

R 082207Z DEC 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 1498

INFO AMEMBASSY BUENOS AIRES

USMISSION GENEVA

C O N F I D E N T I A L USUN 5983

E.O. 11652: GDS

TAGS: PARM, UNGA, USWI AR

SUBJECT: UNGA DISARMAMENT: ARGENTINE POSITION ON ENMOD
CONVENTION AND LAWS OF WAR PROTOCOLS

REF: A. STATE 278657 (NOTAL); B. USUN 4520; C. USUN 5873 NOTAL;
D. USUN 5903

1. AS PART OF EFFORT TO PROMOTE ACCOMMODATION THAT WOULD
AVERT FIGHT OVER FIRST COMMITTEE VOTING PRIORITY AS BETWEEN
COMPETING FINNISH AND MEXICAN ENMOD RESOLUTIONS, US REP
MARTIN DREW ON REF A IN NOV 30 DISCUSSION WITH ARGENTINE
REP ORTIZ DE ROZAS. RECALLING ACDA DIRECTOR IKLE'S EARLIER
CONVERSATION WITH ORTIZ ON THE SUBJECT (REF B), MARTIN
SUGGESTED JOINT ARGENTINE-US CONSIDERATION OF THE POSSIBILITY
OF ELIMINATING THE PROBLEM POSED BY INCONSISTENT INTERPRETATIONS
OF VIRTUALLY IDENTICALLY FORMUATED CRITERIA FOR APPLICABILITY IN
THE ENMOD CONVENTION AND THE DRAFT PROTOCOLS UNDER CONSIDERATION
BY THE DIPLOMATIC CONFERENCE ON THE LAWS OF WAR.

2. THE US, MARTIN CONTINUED, UNDERSTOOD THE ARGENTINE
CONCERN WITH THIS PROBLEM, WHICH WE BELIEVED SHOULD BE
DEALT WITH IN THE LAWS OF WAR CONTEXT IN VIEW OF THE
MATURITY OF THE ENMOD CONVENTION TEXT AS COMPARED TO THE
PROTOCOLS. ACCORDINGLY, IF IT WOULD MITIGATE ARGENTINE
DIFFICULTY WITH ENMOD TEXT, WE WOULD BE PREPARED TO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 05983 082304Z

EXPLORE WITH ARGENTINES WHETHER WE COULD AGREE ON CHANGED

WORDING FOR THE LAWS OF WAR CRITERIA AND HZF AGREEMENT WERE REACHED, TO SUPPORT ARGENTINA IN EFFORT TO INTRODUCE THE CHANGES AT THE DIPLOMATIC CONFERENCE. MARTIN ADDED THAT IT SHOULD BE CLEAR THAT THE INTERPRETATIONS THEMSELVES, AS WELL AS THE NEGOTIATING HISTORY, WOULD REMAIN UNCHANGED WITH RESPECT TO BOTH DOCUMENTS.

3. ORTIZ REPLIED BRIEFLY THAT ARGENTINES STILL THOUGHT THE WORDING IN THE CONVENTION COULD MOST APPROPRIATELY BE CHANGED. NEVERTHELESS, HE SAID, THEY WOULD OF COURSE GIVE MARTIN'S PROPOSAL QUICK AND CAREFUL CONSIDERATION.

4. ON DEC 2, AFTER MAIN CO-SPONSORS OF FINNISH ENMOD RESOLUTION HAD AGREED TO ACCEPT NIGERIAN AMENDMENTS TO RES, US DELOFF BLACK FOLLOWED UP ON MARTIN'S PRESENTATION WITH ARGENTINE DELOFF OTEGUI. RECALLING THAT OTEGUI HAD PARTICIPATED IN EXTENSIVE ARGENTINE-US DISCUSSION OF INCONSISTENT INTERPRETATION ISSUE DURING CCD'S SUMMER 1976 NEGOTIATION OF ENMOD CONVENTION, BLACK NOTED THAT US HAD TAKEN THE JURIDICAL CONCERNS THEN EXPRESSED BY THE ARGENTINES, WHICH WE SHARED TO SOME EXTENT, VERY MUCH INTO ACCOUNT IN MAKING THE PRESENT PROPOSAL. HE WONDERED WHETHER THE FINNISH RES CO-SPONSORS' ACCEPTANCE OF THE NIGERIAN AMENDMENTS, COUPLED WITH THIS PROPOSAL, PROVIDED THE BASIS FOR ARGENTINE HELP IN WORKING OUT A COMPROMISE ON THE ENMOD ITEM IN THE FIRST COMMITTEE.

5. OTEGUI EXPRESSED APPRECIATION FOR US PROPOSAL, WHICH HE SAID REMAINED UNDER SERIOUS CONSIDERATION BY ARGENTINE DEL. HE ASKED WHETHER NIGERIAN AMENDMENTS TO FINNISH RES REPRESENTED "THE LAST WORD." TOLD THAT THEY DID, HE INDICATED THAT ARGENTINES STILL HAD DIFFICULTY WITH AMENDED OPERATIVE PARA 1 IN THE RES. IN THEIR VIEW, ALTHOUGH FORMULATION "CONSIDERATION, SIGNATURE AND RATIFICATION" WOULD ALLOW COUNTRIES UNDECIDED ON THE MERITS OF THE CONVENTION AN ADEQUATE OPPORTUNITY TO THINK IT OVER, THE LINKAGE OF THE WORDS PREJUDGED AT LEAST AN EVENTUAL AFFIRMATIVE DECISION ON SIGNING AND RATIFYING. OTEGUI SAID, HOWEVER, THAT ARGENTINES WERE CONTINUING TO SEEK ACCOMMODATION ON ENMOD ISSUE IN LIGHT

CONFIDENTIAL

PAGE 03 USUN N 05983 082304Z

BOTH OF NIGERIAN POSITION AND ITS EFFECT ON NON-ALIGNED AND THE US PROPOSAL TO RESOLVE THE CONFLICT BETWEEN THE CONVENTION AND THE LOW PROTOCOLS. HE ADDED THE PERSONAL IMPRESSION THAT IT MIGHT NOT BE TOO EASY TO CHANGE THE FORMULATION IN THE PROTOCOLS WHICH HAD REACHED A FAIRLY ADVANCED STAGE OF CONSIDERATION. BLACK REPLIED THAT THIS WAS LESS TRUE OF THE PROTOCOLS THAN OF THE CONVENTION, WHICH IN THE VIEW OF THE COUNTRIES SUPPORTING THE FINNISH

RESOLUTION WAS READY TO OPEN FOR SIGNATURE AND RATIFICATION.

6. IN THE FIRST COMMITTEE VOTING ON THE ENMOD ITEM THE ARGENTINES, ALONG WITH THREE OTHER CO-SPONSORS OF THE MEXICAN RES, ABSTAINED RATHER THAN VOTING NO ON THE FINNISH RES. THEY DID, OF COURSE, JOIN OTHER CO-SPONSORS OF THE MEXICAN RES IN OPPOSING PROCEDURAL MOVES ON BEHALF OF THE FINNISH RES. HOWEVER, ASKED AFTER THE MEETING ADJOURNED WHETHER ARGENTINA MIGHT JOIN IN POSSIBLE LAST-DITCH EFFORT TO FORESTALL FINAL UNGA PLENARY ACTION ON FINNISH RES APPROVED BY FIRST COMMITTEE, OTEGUI REPLIED THAT THE QUESTION WAS NOW CLOSED AS FAR AS ARGENTINES WERE CONCERNED. HE LATER ASKED US DELOFF WHETHER THE PROPOSAL TO REVISE THE LAWS OF WAR PROTOCOLS STILL STOOD, OBSERVING THAT ARGENTINA HAD MADE HONEST EFFORT AT ACCOMMODATION AND IN END HAD ABSTAINED INSTEAD OF OPPOSING FINNISH RES. HE REITERATED ARGENTINE APPRECIATION OF US EFFORT TO MEET WHAT WAS A SERIOUS PROBLEM FOR THEM REGARDING THE ENMOD CONVENTION. US DELOFF REPLIED THAT WE IN TURN APPRECIATED THE ARGENTINE POSITION IN THE VOTE ON THE FINNISH RES, AND THAT HE WOULD ASSUME THAT THE PROPOSAL REGARDING THE PROTOCOLS DID REMAIN OPEN.

7. IN ACCORDANCE WITH REF A, PARA 2, BEFORE INITIAL APPROACH TO ARGENTINES US DELOFF DISCUSSED THE MOVE WITH SOVIET DELOFF AND ASKED WHETHER USSR WOULD SUPPORT IT. SOVIET DELOFF REPLIED A SHORT TIME LATER THAT USSR WOULD NOT TAKE ACTIVE ROLE, BUT HAD NO OBJECTION.

9. COMMENT: DEL BELIEVES THAT OUR LOW PROPOSAL PROBABLY HAD SOME EFFECT IN MITIGATING ARGENTINE ATTITUDE TOWARD ENMOD CONVENTION AND IN MODIFYING THEIR POSITION ON FINNISH RES. NOTHING IN OUR DISCUSSION WITH ARGENTINES
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USUN N 05983 082304Z

HAS SUGGESTED THAT THEIR CONCERNS OVER CONFLICTING INTERPRETATIONS PROBLEM HAVE BEEN ALLAYED; NOW THAT THE POSSIBILITY OF MODIFYING THE ENMOD WORDING IS EXCLUDED, AND IN VIEW OF THE MODERATION OF THE ARGENTINE POSITION IN THE UNGA, WE BELIEVE IT WOULD BE APPROPRIATE FOR US TO FOLLOW THROUGH IN EFFORT TO MEET THOSE CONCERNS IN THE CONTEXT OF THE DIPLOMATIC CONFERENCE.
SCRANTON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISARMAMENT, ENMOD, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 08 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN05983
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760454-0843
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761260/aaaabzvs.tel
Line Count: 162
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 278657, 76 USUN NEW YORK 4520, 76 USUN NEW YORK 5873, 76 USUN NEW YORK 5903
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2004 by woolflhd>; APPROVED <07 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA DISARMAMENT: ARGENTINE POSITION ON ENMOD CONVENTION AND LAWS OF WAR PROTOCOLS
TAGS: PARM, AR, UNGA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006